

REMARKS

The Office Action of August 2, 2005 has been received and carefully reviewed. Applicants submit that pending claims 1-20 are patentable over the cited references to Link and Fish and respectfully request reconsideration thereof in view of the following remarks.

I. REJECTION OF CLAIMS 3-9, 11, 13, 14, AND 16-20 UNDER 35 U.S.C. § 102

Claims 1, 3-9, 11, 13, 14, and 16-20 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Application Publication No. US 2003/0181202 to Link. Reconsideration and withdrawal of these claim rejections is respectfully requested for at least the following reasons. A claim is anticipated under 35 U.S.C. § 102, only if each and every element of the claim is taught, expressly or inherently, in a single prior art reference MPEP 2131 citing to Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987), see also W. L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983). In addition, the elements in the reference must be arranged as required by the claim. In re Bond, 910 F.2d 831 (Fed. Cir. 1990); Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick co., 730 F.2d 1452 (Fed. Cir. 1984). Anticipation also requires that the prior art reference be enabling, thus placing the allegedly disclosed matter in the possession of the public Akzo N. V. v. U.S. International Trade Commission, 808 F.2d 1471 (Fed. Cir. 1986). Furthermore, there must be no difference between the claimed invention and the reference disclosure as viewed by a person of ordinary skill in the field of the invention Scripps Clinic & Research Foundation v. Genentech Inc., 927 F.2d 1565 (Fed. Cir. 1991). Applicants respectfully submit that Link fails to teach each and every element of claims 1, 3-9, 11, 13, 14, and 16-20, and therefore respectfully requests reconsideration thereof.

The invention relates to mid-call forwarding features, with which a user can selectively decide whether to take an incoming call or to forward the call to one or more different numbers. Mid-call forwarding capability allows a user to ascertain a caller's identity when a phone rings with an incoming call (during call processing), and to decide whether to forward the call or take it. In this regard, ***mid-call forwarding is quite different from normal call-forwarding services*** in which the user places the wireless in a 'forwarding' mode, after which all incoming calls are forwarded. In this regard, independent ***claim 1 and claims 3-9*** depending therefrom provide ***methods for adding a selective mid-call call forwarding feature*** to a service plan for a mobile

station, including ***receiving a request to add the selective mid-call call forwarding feature to the service plan from a user.***

Independent ***claim 11 and rejected dependent claims 13 and 14*** likewise relate to mid-call forwarding, wherein these claims involve a method for modifying a selective mid-call call forwarding feature in a service plan for a mobile station. These methods include ***receiving a user initiated status request and reporting the status of the selective mid-call call forwarding feature*** status, ***receiving a request to modify the selective mid-call call forwarding feature*** from the user via the mobile station, ***modifying the selective mid-call call forwarding feature*** in the service plan, and ***storing the service plan with the modified selective mid-call call forwarding feature*** in the subscriber database.

Claims 16-20 are also drawn to mid-call forwarding, wherein independent claim 16 provides an incoming call processing method including among other things ***receiving a mid-call call forwarding activation*** from a first mobile station, and ***retrieving a telephone number associated with the mid-call call forwarding activation*** from a service plan associated with the subscriber.

In contrast to the present invention, ***Link is directed to an automatic telephone forwarding (ATF) device*** (into which a wireless phone can be placed or which may be integrated into a wireless phone) that ***automatically enables conventional call forwarding for all calls*** while the wireless device is connected to the ATF. In general, the ATF devices of ***Link appear to cause all calls to be forwarded*** upon detecting a triggering event, such as placement of a wireless phone in a socket of a base structure, or pressing a forward button (see Link paragraphs [0011], [0015], [0018], [0035], [0043], [0048], [0055], [0057], [0059], [0063], [0065], [0067], [0069], [0072]-[0073], etc.). With respect to the rejected claims, ***Link fails to teach or suggest adding or modifying a selective mid-call forwarding feature*** (claims 1, 3-9, 11, 13, and 14), ***does not teach the mid-call forwarding processing methods of claims 16-20***, and indeed ***appears to be silent with respect to mid-call forwarding generally***. Instead, the ATF teachings of Link are directed to automatically forwarding all incoming calls. Therefore, Link fails to anticipate the subject matter of independent claims 1, 11, and 16 and the further features set forth in dependent claims 3-9, 13, 14, and 17-20, whereby Applicants respectfully request reconsideration and withdrawal of the rejections thereof under 35 U.S.C. § 102.

II. REJECTION OF CLAIMS 2 and 12 UNDER 35 U.S.C. § 103

Claims 2 and 12 were rejected under 35 U.S.C. § 103 as being obvious in view of U.S. Application Publication No. US 2003/0181202 to Link in view of U.S. Application Publication No. US 2004/0248591 to Fish. Reconsideration and withdrawal of the claim rejections under 35 U.S.C. § 103 is respectfully requested for at least the following reasons. Claims 2 and 12 depend from independent claims 1 and 11 discussed above in connection with the Link publication reference. These claims recite a further step of verifying the user has authority associated with the subscriber to add the selective mid-call call forwarding feature to the service plan.

As discussed above, ***Link is drawn to automatic call forwarding wherein all incoming calls are forwarded, which is different from the selective mid-call forwarding aspects of the invention.*** In this respect, the description of Link indicates that in certain embodiments, once a wireless unit is placed in the base of the ATF device, the device *automatically* forwards telephone service (all incoming calls) for the wireless telephone to a previously stored forwarding directory number. In other embodiments, a forward button is pressed, causing all subsequent calls to be forwarded. By this architecture, Link attempts to make call forwarding easy for visitors to a home, conference room, etc., wherein the visitors simply place their wireless phones into the base of the ATF device, which then causes *all* calls to those wireless phones to be automatically forwarded to a land line phone located in the visited location. Thus, ***the ATF devices of Link do not provide for mid-call forwarding***, and the teachings of Link appear inapplicable to mid-call forwarding features. For example, if the ATF device of Link were to require a user to selectively decide whether to forward individual calls during call processing (which it does not), that would render the ATF inoperable for one of the primary purposes of Link, i.e., providing automatic call forwarding with minimal user action. Therefore, ***the teachings of Link do not appear to be properly combinable with other references such as Fish with respect to mid-call forwarding.*** Moreover, Fish does not appear to remedy the deficiencies of Link regarding mid-call forwarding, whereby the proposed combination of Link with Fish does not result in the subject matter of claims 2 and 12. Applicants accordingly request reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. § 103.

III. CLAIM OBJECTIONS

Claims 10 and 15 (indicated as allowable if rewritten in independent form) specify that a change selection menu provided to the user includes an interactive graphical display portion. However, the corresponding independent claims 1 and 11 are believed to be patentable, and claims 10 and 15 are thus believed to be in condition for allowance in dependent form, wherein reconsideration and withdrawal of the objections thereof is respectfully requested.

CONCLUSION

For at least the above reasons, the currently pending claims are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200232.

Respectfully submitted,

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8/31/05
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